

UNITED STATES DISTRICT COURT

District of Oregon

Smith Corporation, Inc.,

Plaintiff(s)

vs.

Case No: 3:05-CV-04-1111-HA

ABC Corporation,

Defendant(s).

Discovery and Pretrial Scheduling Order

In order to facilitate and expedite discovery and the effective management of this case, the Court orders that:

(a) Corporate Disclosure Statement: In accordance with Fed. R. Civ. P. 7.1, any non-governmental corporate party must file a corporate disclosure statement concurrently with the filing of a first appearance.

(b) Initial Conference of Counsel for Discovery Planning:

- (1) Except in cases exempted under Fed. R. Civ. 26(a)(1)(E), upon learning the identity of counsel for Defendant(s), counsel for the Plaintiff(s) shall initiate communications with counsel for Defendant(s).
- (2) All counsel shall then confer as required by Fed. R. Civ. P. 26(f) within thirty (30) days after all Defendants have been served (See LR 26.1).
- (3) In accordance with LR 16.2(b) and LR 16.4(c), counsel shall also discuss their client's positions regarding consent to a Magistrate Judge and Alternate Dispute Resolution options.
- (4) If counsel for all of the parties agree to forego the initial disclosures required by Fed. R. Civ. P. 26(a)(1), they can use the Court form issued with this order (See LR 26.2). Whether or not the parties agree to forego the initial disclosures, they may seek discovery once the initial conference of counsel for discovery planning contemplated by Fed. R. Civ. P. 26(f) has occurred (See LR 26.1).

(c) Rule 16(b) Court Conference for Scheduling and Planning: Counsel for Plaintiff(s) and for Defendant(s) shall, during or promptly after the conference of counsel referred to in the prior paragraph, contact the assigned judge's deputy clerk and schedule a LR 16.2 conference for scheduling and planning.

At the conference the parties will be prepared to discuss discovery, consent to a Magistrate Judge, scheduling or other issues presented by this action, including proposed modifications to the initial schedule set forth below (See LR 16.2).

(d) Pretrial and Discovery Deadlines: Not later than 120 days from the date of this order, counsel for all parties shall:

- (1)** File all pleadings pursuant to Fed. R. Civ. P. 7(a) and 15;
- (2)** Join all claims, remedies and parties pursuant to Fed. R. Civ. P. 18 and 19;
- (3)** File all pretrial, discovery and dispositive motions;
- (4)** Complete all discovery; and
- (5)** Confer as to Alternate Dispute Resolution pursuant to LR 16.4(c).

(e) Pretrial Order Deadline: Unless otherwise waived by the court, not later than 150 days from the date of this order, counsel shall lodge a Joint Pretrial Order (See LR 16.6), and file a Joint Alternate Dispute Resolution Report (See LR 16.4).

(f) Service of this Order: Counsel for the Plaintiff shall serve this order, and all attachments, upon all other parties to the action.

(g) CM/ECF Electronic Filing Requirements: In accordance with LR 100, registered attorneys are authorized to electronically file and serve all pleadings (subsequent to the original complaint or removal papers), motions and other papers. Pursuant to LR 100.1(b) not later than September 1, 2006, CM/ECF registered attorneys must electronically file and serve all pleadings (subsequent to the original complaint or removal papers), motions, and other papers. More information about electronic filing can be found on the court's website at www.ord.uscourts.gov/ECF/.

Dated: May 16, 2006

By: _____
C. Hickman, Deputy Clerk

For: Donald M. Cinnamond, Clerk